

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMERICAN CRUISE LINES, INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 13-324 (RGA)
)	
HMS AMERICAN QUEEN STEAMBOAT)	
COMPANY LLC, and AMERICAN QUEEN)	
STEAMBOAT OPERATING COMPANY,)	
LLC,)	
)	
Defendants.)	

Jury Verdict

ACL's INFRINGEMENT CLAIM #1

1. Has ACL established by a preponderance of the evidence that HMS's use of the brand name AMERICAN QUEEN STEAMBOAT COMPANY infringes ACL's AMERICAN CRUISE LINES brand name and mark?

Yes _____ No ✓ _____

If you answered "yes" to Question 1, then proceed to Question 2.

If you answered "no" to Question 1, then you have found for HMS on ACL's claim for infringement of its registered AMERICAN CRUISE LINES marks. Proceed to Question 4.

ACL's DAMAGES CLAIM

2. State the amount of HMS's profits (if any) you believe ACL is entitled to recover from HMS for HMS's infringement of ACL's brand name.

\$ _____

Proceed to Question 3.

3. Do you find that ACL has established by a preponderance of the evidence that HMS's infringement based on its use of the brand name AMERICAN QUEEN STEAMBOAT COMPANY was willful?

Yes _____ No _____

Proceed to Question 4.

ACL's INFRINGEMENT CLAIM #2

4. Has ACL established by a preponderance of the evidence that it owns a valid and legally protectable family of "American" trademarks?

Yes _____ No  _____

If you answered "yes" to Question 4, proceed to Question 5.

If you answered "no" to Question 4, then you have found for HMS on ACL's family trademark infringement claim. Proceed to Question 8.

5. Has ACL established by a preponderance of the evidence that HMS's fleet of "American" named vessels infringes ACL's family of "American" trademarks?

Yes _____ No _____

If you answered "yes" to Question 5, proceed to Question 6.

If you answered "no" to Question 5, then you have found for HMS on ACL's family trademark infringement claim. Proceed to Question 8.

ACL's DAMAGES CLAIM

6. State the amount of HMS's profits (if any) you believe ACL is entitled to recover from HMS for HMS's infringement of ACL's "American" family of marks.

\$ _____

Proceed to Question 7.

7. Do you find that ACL has established by a preponderance of the evidence that HMS's infringement based on HMS's fleet of "American" named vessels was willful?

Yes _____ No _____

Proceed to Question 8.

HMS's INFRINGEMENT CLAIM

8. Has HMS established by a preponderance of the evidence that ACL's use of the vessel names and marks AMERICAN EAGLE, AMERICAN PRIDE, AMERICAN SONG, AMERICAN HARMONY or AMERICA infringes HMS's AMERICAN QUEEN mark?

(a) AMERICAN EAGLE	Yes _____	No <u>✓</u> _____
(b) AMERICAN PRIDE	Yes _____	No <u>✓</u> _____
(c) AMERICAN SONG	Yes _____	No <u>✓</u> _____
(d) AMERICAN HARMONY	Yes _____	No <u>✓</u> _____
(e) AMERICA	Yes _____	No <u>✓</u> _____

If you answered "yes" to any subpart, proceed to Questions 9 and 10.

If you answered "no" to every subpart, then you have found for ACL on HMS's claim for infringement of its registered AMERICAN QUEEN trademark. Proceed to the "STOP" instruction at the end of this form.

ACL's AFFIRMATIVE DEFENSES

9. Has ACL established by clear and convincing evidence that the AMERICAN QUEEN trademarks were abandoned?

Yes _____ No _____

Proceed to Question 10.

10. Has ACL established by clear and convincing evidence that Ambassador's assignment of the AMERICAN QUEEN trademarks to HMS was invalid?

Yes _____ No _____

If you answered "yes" to either Question 9 or 10, proceed to Question 11.

If you answered "no" to both Questions 9 and 10, proceed to Question 13.

11. Has HMS established by a preponderance of the evidence that it owns a valid and legally protectable unregistered (common law) AMERICAN QUEEN mark?

Yes _____ No _____

If you answered "yes" to Question 11, proceed to Question 12.

If you answered "no" to Question 11, then you have found for ACL on HMS's claim for infringement of its unregistered (common law) AMERICAN QUEEN trademark. Proceed to the "STOP" instruction at the end of this form.

12. Has HMS established by a preponderance of the evidence that ACL's use of the vessel names AMERICAN EAGLE, AMERICAN PRIDE, AMERICAN SONG, AMERICAN HARMONY or AMERICA infringes HMS's unregistered (common law) AMERICAN QUEEN mark?

(a) AMERICAN EAGLE Yes _____ No _____

(b) AMERICAN PRIDE Yes _____ No _____

(c) AMERICAN SONG Yes _____ No _____

(d) AMERICAN HARMONY Yes _____ No _____

(e) AMERICA Yes _____ No _____

If you answered "yes" to any subpart, proceed to Question 13.

If you answered "no" to every subpart, then you have found for ACL on HMS's claim for infringement of its unregistered (common law) AMERICAN QUEEN trademark. Proceed to the "STOP" instruction at the end of this form.

HMS's DAMAGES CLAIM

13. If you found that ACL's vessel names and marks AMERICAN EAGLE, AMERICAN PRIDE, or AMERICA infringe HMS's AMERICAN QUEEN mark in Question 8 or Question 12, state the amount of ACL's profits (if any) you believe HMS is entitled to recover. Do not respond for any vessel which you found did not infringe.

(a) AMERICAN EAGLE \$ _____

(b) AMERICAN PRIDE \$ _____

(c) AMERICA \$ _____

Proceed to Question 14.

14. If you found that ACL's vessel names and marks AMERICAN EAGLE, AMERICAN PRIDE, or AMERICA infringe HMS's AMERICAN QUEEN mark in Question 8 or Question 12, do you find that HMS has established by a preponderance of the evidence that ACL's infringement was willful? Do not respond for any vessel which you found did not infringe.

(a) AMERICAN EAGLE Yes _____ No _____

(b) AMERICAN PRIDE Yes _____ No _____

(c) AMERICA Yes _____ No _____

STOP: SIGN THE FORM AND ADVISE THE MARSHAL THAT YOU HAVE
REACHED A VERDICT.

[REDACTED]

FOREPERSON

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]